

February 5, 2016

By Priority Express Mail EF 106087294 US

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Consolidated Notice of Opposition Against
Kenneth Finnigan
Applications to register BAKER BOWL BROWN ALE; SHIBE
PARK SUMMER ALE; CANDLESTICK PARK CHILLY ALE;
SEALS STADIUM STRONG ALE; GRIFFITH STADIUM
GOLD ALE; COMISKEY PARK CRIMSON ALE; CROSLY
FIELD CREAM ALE; FORBES FIELD FROSTY ALE; EBBETS
FIELD AMBER ALE; and KINGDOME KEG TOP ALE
Ref. No. 21307.000

Dear Commissioner:

We enclose a Consolidated Notice of Opposition filed by the following Opposers and against the following Applications:

1. **Opposers Major League Baseball Properties, Inc. ("MLBP") and The Phillies**

A. BAKER BOWL BROWN ALE, Serial No. 86/564,099 published in the Official Gazette on August 11, 2015

B. SHIBE PARK SUMMER ALE, Serial No. 86/559,877 published in the Official Gazette on August 11, 2015

2. **Opposers MLBP and San Francisco Baseball Associates LLC**

A. CANDLESTICK PARK CHILLY ALE, Serial No. 86/567,196 published in the Official Gazette on August 11, 2015

B. SEALS STADIUM STRONG ALE, Serial No. 86/562,759 published in the Official Gazette on August 11, 2015

3. **Opposers MLB and Washington Nationals Baseball Club, LLC**

A. GRIFFITH STADIUM GOLD ALE, Serial No. 86/560,378 published in the Official Gazette on August 11, 2015

4. **Opposers MLB and Chicago White Sox, Ltd.**

A. COMISKEY PARK CRIMSON ALE, Serial No. 86/564,096 published in the Official Gazette on August 11, 2015

5. **Opposers MLB and The Cincinnati Reds LLC**

A. CROSLY FIELD CREAM ALE, Serial No. 86/559,871 published in the Official Gazette on August 11, 2015

6. **Opposers MLB and Pittsburgh Associates**

A. FORBES FIELD FROSTY ALE, Serial No. 86/560,361 published in the Official Gazette on August 11, 2015

7. **Opposers MLB and Los Angeles Dodgers LLC**

A. EBBETS FIELD AMBER ALE, Serial No. 86/561,229 published in the Official Gazette on August 11, 2015

8. **Opposers MLB and The Baseball Club of Seattle, L.P.**

A. KINGDOME KEG TOP ALE, Serial No. 86/567,240 published in the Official Gazette on August 18, 2015

A check in the amount of \$6,000 is enclosed to cover the filing fees.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,



Lindsay M. Rodman

Enclosures

Cowan, Liebowitz & Latman, P.C.
Commissioner for Trademarks
February 5, 2016
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cc: Ms. Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial Nos.: 86/564,099; 86/559,877; 86/567,196; 86/562,759; 86/560,378;
86/564,096; 86/559,871; 86/560,361; 86/561,229; and 86/567,240

Filed: March 10, 2015; March 11, 2015; March 12, 2015; March 13, 2015 and March 17, 2015

For Marks: BAKER BOWL BROWN ALE; SHIBE PARK SUMMER ALE; CANDLESTICK
PARK CHILLY ALE; SEALS STADIUM STRONG ALE; GRIFFITH STADIUM GOLD ALE;
COMISKEY PARK CRIMSON ALE; CROSLY FIELD CREAM ALE; FORBES FIELD
FROSTY ALE; EBBETS FIELD AMBER ALE; and KINGDOME KEG TOP ALE

Published in the Official Gazette: August 11, 2015 and August 18, 2015

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MAJOR LEAGUE BASEBALL PROPERTIES,
INC.; THE PHILLIES; SAN FRANCISCO
BASEBALL ASSOCIATES LLC; WASHINGTON
NATIONALS BASEBALL CLUB, LLC;
CHICAGO WHITE SOX, LTD.; THE
CINCINNATI REDS LLC; PITTSBURGH
ASSOCIATES; LOS ANGELES DODGERS LLC;
and THE BASEBALL CLUB OF SEATTLE, L.P.
Opposers,

v.

KENNETH FINNIGAN,
Applicant.

Opposition No.

**CONSOLIDATED NOTICE OF
OPPOSITION**

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02/05/2016 56N1M1 00000011 00000000

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Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Major League Baseball Properties, Inc., a New York corporation, with offices
at 245 Park Avenue, New York, New York 10167 ("Opposer MLBP"), believes it will be
damaged by registration of the:

"Express Mail" Mailing Label Number EF 106087294 US

I hereby certify that this paper or fee is being deposited with the United States
Postal Service "Express Mail Post office to Addressee" service under 37
C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for
Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on

2/5/2016

Lindsay M. Rodman

(Date of Deposit)

(Print name)

(Signature)



02-05-2016

(i) standard character mark BAKER BOWL BROWN ALE (“Applicant’s BAKER BOWL Mark”) in International Class 32 for “Beer” as shown in Application Serial No. 86/564,099 (the “BAKER BOWL Application”);

(ii) standard character mark SHIBE PARK SUMMER ALE (“Applicant’s SHIBE PARK Mark”) in International Class 32 for “Beer” as shown in Application Serial No. 86/559,877 (the “SHIBE PARK Application”);

(iii) standard character mark CANDLESTICK PARK CHILLY ALE (“Applicant’s CANDLESTICK PARK Mark”) in International Class 32 for “Beer” as shown in Application Serial No. 86/567,196 (the “CANDLESTICK PARK Application”);

(iv) standard character mark SEALS STADIUM STRONG ALE (“Applicant’s SEAL STADIUM Mark”) International Class 32 for “Beer” as shown in Application Serial No. 86/562,759 (the “SEALS STADIUM Application”);

(v) standard character mark GRIFFITH STADIUM GOLD ALE (“Applicant’s GRIFFITH STADIUM Mark”) in International Class 32 for “Beer” as shown in Application Serial No. 86/560,378 (the “GRIFFITH STADIUM Application”);

(vi) standard character mark COMISKEY PARK CRIMSON ALE (“Applicant’s COMISKEY PARK Mark”) in International Class 32 for “Beer” as shown in Application Serial No. 86/564,096 (the “COMISKEY PARK Application”);

(vii) standard character mark CROSLEY FIELD CREAM ALE (“Applicant’s CROSLEY FIELD Mark”) in International Class 32 for “Beer” as shown in Application Serial No. 86/559,871 (the “CROSLEY FIELD Application”);

(viii) standard character mark FORBES FIELD FROSTY ALE (“Applicant’s FORBES FIELD Mark”) in International Class 32 for “Beer” as shown in Application Serial No. 86/560,361 (the “FORBES FIELD Application”);

(ix) standard character mark EBBETS FIELD AMBER ALE (“Applicant’s EBBETS FIELD Mark”) in International Class 32 for “Beer” as shown in Application Serial No. 86/561,229 (the “EBBETS FIELD Application”); and

(x) standard character mark KINGDOME KEG TOP ALE (“Applicant’s KINGDOME Mark”, together with, Applicant’s BAKER BOWL Mark, Applicant’s SHIBE PARK Mark, Applicant’s CANDLESTICK PARK Mark, Applicant’s SEALS STADIUM Mark, Applicant’s GRIFFITH STADIUM Mark, Applicant’s COMISKEY PARK Mark, Applicant’s CROSLEY FIELD Mark, Applicant’s FORBES FIELD Mark and Applicant’s EBBETS FIELD Mark, collectively, the “Applicant’s Ballpark Marks) in International Class 32 for “Beer” as shown in Application Serial No. 86/567,240 (the “KINGDOME Application”, together with, the BAKER BOWL Application, the SHIBE PARK Application, the CANDLESTICK PARK Application, the SEALS STADIUM Application, the GRIFFITH STADIUM Application, the COMISKEY PARK Application, the CROSLEY FIELD Application, the FORBES FIELD Application, and the EBBETS FIELD Application, collectively, the “Ballpark Applications”); and hereby opposes all of the Ballpark Applications.

Opposer, The Phillies, a Pennsylvania limited partnership, with offices at Citizens Bank Park, One Citizens Way, Philadelphia, Pennsylvania 19148 (“Opposer Phillies”) believes that it will be damaged by registration of: (i) Applicant’s BAKER BOWL Mark in the BAKER BOWL Application and (ii) Applicant’s SHIBE PARK Mark in the SHIBE PARK Application, and

Opposer Phillies having been granted extensions of time to oppose up to and including February 7, 2016 hereby opposes the BAKER BOWL Application and the SHIBE PARK Application.

Opposer, San Francisco Baseball Associates LLC, a Delaware limited liability company, with offices at AT&T Park, 24 Willie Mays Plaza, San Francisco, California 94107 (“Opposer Giants”) believes that it will be damaged by registration of: (i) Applicant’s CANDLESTICK PARK Mark in the CANDLESTICK PARK Application; and (ii) Applicant’s SEALS STADIUM Mark in the SEALS STADIUM Application, and Opposer Giants having been granted extensions of time to oppose up to and including February 7, 2016 hereby opposes the CANDLESTICK PARK Application and the SEALS STADIUM Application.

Opposer, Washington Nationals Baseball Club, LLC, a District of Columbia limited liability company, with offices at Nationals Park, 1500 South Capitol Street, SE, Washington, DC 20003-1507 (“Opposer Nationals”) believes it will be damaged by registration of Applicant’s GRIFFITH STADIUM Mark in the GRIFFITH STADIUM Application, and Opposer Nationals having been granted extensions of time to oppose up to and including February 7, 2016 hereby opposes the same.

Opposer, Chicago White Sox, Ltd., an Illinois limited partnership, with offices at 333 West 35th Street, Chicago, Illinois 60616 (“Opposer White Sox”) believes it will be damaged by registration of Applicant’s COMISKEY PARK Mark in the COMISKEY PARK Application, and Opposer White Sox having been granted extensions of time to oppose up to and including February 7, 2016 hereby opposes the same.

Opposer, The Cincinnati Reds LLC, a Delaware limited liability company, with offices at Great American Ball Park, 100 Joe Nuxhall Way, Cincinnati, Ohio 45202 (“Opposer Reds”) believes it will be damaged by registration of Applicant’s CROSLEY FIELD Mark in the

CROSLEY FIELD Application, and Opposer Reds having been granted extensions of time to oppose up to and including February 7, 2016 hereby opposes the same.

Opposer, Pittsburgh Associates, a Pennsylvania limited partnership, with offices at PNC Park at North Shore, 115 Federal Street, Pittsburgh, Pennsylvania 15212 (“Opposer Pirates”) believes it will be damaged by registration of Applicant’s FORBES FIELD Mark in the FORBES FIELD Application, and Opposer Pirates having been granted extensions of time to oppose up to and including February 7, 2016 hereby opposes the same.

Opposer, Los Angeles Dodgers LLC, a Delaware limited liability company, with offices at Dodgers Stadium, 1000 Elysian Park Avenue, Los Angeles, California 90012 (“Opposer Dodgers”) believes it will be damaged by registration of Applicant’s EBBETS FIELD Mark in the EBBETS FIELD Application, and Opposer Dodgers having been granted extensions of time to oppose up to and including February 7, 2016 hereby opposes the same.

Opposer, The Baseball Club of Seattle, L.P., a Washington limited partnership, with offices at Safeco Field, 1250 First Avenue South, Seattle, Washington 98134 (“Opposer Mariners”, together with, Opposer Phillies, Opposer Giants, Opposer Nationals, Opposer White Sox, Opposer Reds, Opposer Pirates and Opposer Dodgers, collectively, “Opposer Clubs”, and together with, Opposer MLBP, “Opposers”) believes it will be damaged by registration of the Applicant’s KINGDOME Mark in the KINGDOME Application, and Opposer Mariners having been granted extensions of time to oppose up to and including February 14, 2016 hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer MLBP is indirectly wholly owned by the thirty Major League Baseball clubs (the “MLB Clubs”), including, without limitation, the Opposer Clubs, and is a licensee of

and licensing agent for all of the MLB Clubs, including the Opposer Clubs. Opposer MLBP arranges hundreds of sponsorships and licenses in connection with its own names and marks, the names and marks of the Office of the Commissioner of Baseball and the names and marks of the MLB Clubs, including the Opposer Clubs (collectively, MLBP, the Office of the Commissioner of Baseball and the MLB Clubs are referred to as “Major League Baseball”), in connection with a wide variety of goods and services, including, without limitation, food and beverage items and services, including, but not limited to, beer, beverage ware, and food and beverage concessions; apparel; paper goods and printed matter; toys and sporting goods; and novelty items. Accordingly, Opposers are related companies and the licensing relationship between them further establishes that Opposer MLBP is a related company to each of the Opposer Clubs. Pursuant to TBMP 303.05(b), Opposer MLBP opposes all of Applicant’s Ballpark Applications and joins with each of the Opposer Clubs to jointly oppose the Ballpark Applications opposed by each of the Opposer Clubs as set forth above and below.

2. Opposer Phillies owns the renowned PHILADELPHIA PHILLIES MAJOR LEAGUE BASEBALL club (the “Phillies Club”). Built in 1895 and named the Baker Bowl ballpark after one of the Phillies Club’s owners, William F. Baker, the Baker Bowl ballpark became an integral part of Major League Baseball’s and the Phillies Club’s history and identity. The Phillies Club played in the Baker Bowl ballpark for 51 and a half seasons until 1938. The Baker Bowl ballpark was where the Phillies’ Club captured the National League pennant in 1915 and participated in the WORLD SERIES games against the BOSTON RED SOX MAJOR LEAGUE BASEBALL club. President Woodrow Wilson attended Game 2 at Baker Bowl ballpark, becoming the first U.S. president to attend a WORLD SERIES game, and an all-time great player Babe Ruth made his initial appearance in these WORLD SERIES games. The

Phillies Club ultimately moved ballparks due to the deterioration of Baker Bowl ballpark and the need for lights to host night games. Although the stadium was demolished in 1950, the Baker Bowl ballpark remains alive in the history and identity of Major League Baseball and the Phillies Club. For example, the Phillies Club's current stadium also contains a Baker Bowl Bar that serves liquor, wine, beer and fountain sodas and a Baker Bowl Bistro that serves food, beer and other beverages. In 2000, a historical marker was placed at the site of the former ballpark in Philadelphia, commemorating the years of baseball history.

3. In 1938, the Phillies Club moved to a newer facility, Shibe Park ballpark, which was Major League Baseball's first concrete and steel stadium, paving the way for other famous ballparks, such as Fenway Park and Wrigley Field. The Phillies Club shared the ballpark at first with fellow Philadelphia Major League Baseball ball club, the Philadelphia Athletics, which eventually left Philadelphia. The Phillies Club was the last baseball club to occupy the stadium, later under the name Connie Mack Stadium. Shibe Park is still etched in the history and identity of Major League Baseball and the Phillies Club as evidenced, for example, by the historical marker erected in 1997 commemorating the years at Shibe Park, and the Phillies Club's Shibe Park Eatery in its current stadium.

4. Opposer Giants owns the renowned SAN FRANCISCO GIANTS MAJOR LEAGUE BASEBALL club ("the Giants Club"). When the Giants Club made its historic move from New York to San Francisco in 1958, it played its first two seasons at Seals Stadium ballpark. On April 15, 1958, the Giants Club played the first ever Major League Baseball game on the West Coast at this ballpark. The Giants Club's line-up included the legendary and future Hall of Famer Willie Mays and National League Rookie of the Year and future Hall of Famer

Orlando Cepeda. The Giants Club was the only Major League Baseball home team to play at Seals Stadium ballpark.

5. In 1960, the Giants Club moved to the newly constructed Candlestick Park in San Francisco, where it remained until 2000. Like Seals Stadium, Candlestick Park has an important place in the Giants Club's history and identity, and was originally built as part of the negotiations leading up to Giants Club's move from New York to San Francisco. On opening day at this ballpark, then Vice-President Richard Nixon threw out the ceremonial first pitch. The notoriety of Candlestick Park also comes from the fact that it became well-known within Major League Baseball for its windy and cold conditions, causing Hall of Famer Willie Mays, a former Giants Club player, to claim the wind cost him over 100 home runs. After forty years, the Giants Club moved in 2000 to Pacific Bell Park, now named AT&T Park. Although both Seals Stadium and Candlestick Park have been demolished, both ballparks remain closely and uniquely associated with the history and identity of Major League Baseball and the Giants Club. For example, AT&T Park still retains Candlestick Park's history with "Candlestick Suite," a suite that offers food and beverage packages for guests and contains seats of the former stadium and photos and memorabilia of the former stadium. It also has a section of the stadium named Seals Plaza.

6. Opposer Nationals owns the renowned WASHINGTON NATIONALS MAJOR LEAGUE BASEBALL club (the "Nationals Club") and is the successor in interest to the WASHINGTON SENATORS MAJOR LEAGUE BASEBALL club (the "Senators Club"). The Senators Club played in Griffith Stadium located in Washington, D.C. from 1911 to 1965. The ballpark was at first known as Nationals Park until it was renamed after the Senators Club's owner Clark Griffith in 1920. Every president of the United States from William Howard Taft to John F. Kennedy threw out at least one ceremonial first pitch at Griffith Stadium ballpark. The

ballpark was demolished in 1965, and Howard University Hospital now occupies the space. However, a plaque was erected outside the hospital in honor of Griffith Stadium ballpark. The hospital's main entrance even has a batter's box to mark home plate. The ballpark remains an important part of the history and identity of Major League Baseball, Major League Baseball in Washington D.C. and the National's Club's predecessor-in-interest.

7. Opposer White Sox owns the renowned CHICAGO WHITE SOX MAJOR LEAGUE BASEBALL club (the "White Sox Club"). The White Sox Club played at Comiskey Park in Chicago for nearly a century from 1910 to 1990 where it hosted four WORLD SERIES games. Originally named White Sox Park, the ballpark was renamed in 1913 to Comiskey Park after the White Sox founder and owner Charles Comiskey. In 1962, the ballpark returned to its original name White Sox Park, but the Comiskey Park name was restored in 1976, and it remained until the ballpark was demolished in 1991. The new ballpark erected in 1991 was also named Comiskey Park, and was only renamed U.S. Cellular Field in 2003. Although the old Comiskey Park no longer stands, it is still well remembered by White Sox Club fans. For example, in 2005, when the White Sox Club won the WORLD SERIES title, the victory parade started at U.S. Cellular Field and circled the block where the former Comiskey Park ballpark stood before continuing through Chicago neighborhoods. Comiskey Park is further commemorated with a marble home plate on the sidewalk next to U.S. Cellular Field, the availability of "Comiskey Cash" and banners honoring the former Comiskey Park. Comiskey Park is an integral part of the history and identity of Major League Baseball and the White Sox Club.

8. Opposer Reds owns the renowned CINCINNATI REDS MAJOR LEAGUE BASEBALL club (the "Reds Club"). The Reds Club played in Crosley Field ballpark in

Cincinnati from 1912 to 1970. The ballpark was named after Powel Crosley, Jr. when he purchased the team in 1934. It was the first Major League Baseball ballpark to have lights, and thus, the Reds Club was the first Major League Baseball club to host night games. The historic first night game took place at Crosley Field on May 24, 1935, and President Franklin D. Roosevelt pressed a button that lit up the field for the first time to a crowd of over 20,000 fans. Ultimately, Crosley Field was purchased by the city of Cincinnati and demolished in 1972, but not before fans gathered mementos of the ballpark and purchased seats for \$10. Some of the Crosley Field seats are still auctioned today. Although several buildings now occupy the space of the former ballpark, in an alley, there remains a painted outline of the former home plate, memorializing the decades of baseball history still an integral part of the history and identity of Major League Baseball and the Reds Club. For example, the current Reds Club stadium, Great American Ball Park, contains a meeting room for special events called the “Crosley Room” and a section called “Crosley Terrace.” In addition, the current stadium has held special exhibits featuring Crosley Field, including one-of-a-kind artifacts, video presentations and a special soundtrack that recreated the unique sounds of a game day at Crosley Field.

9. Opposer Pirates owns the renowned PITTSBURGH PIRATES MAJOR LEAGUE BASEBALL club (the “Pirates Club”). The Pirates Club played at Forbes Field ballpark in Pittsburgh for nearly sixty years from 1909 to 1970. The Pirates Club won three WORLD SERIES titles at Forbes Field, most notably the 1960 WORLD SERIES games in which Bill Mazeroski hit a ninth-inning home run in Game 7 to win the game 10-9. After its long history and service as a ballpark, Forbes Field was demolished, and the site is now used by the University of Pittsburgh. However, the legacy of the ballpark lives on. The home plate is encased on display in the lobby of the University of Pittsburgh’s Posvar Hall. The portion of the

wall over which Bill Mazeroski hit the game-winning WORLD SERIES home run is displayed outside the Pirates Club's current ballpark, PNC Park. The original location of that same wall is outlined by bricks on Roberto Clemente Drive near the site of the former Forbes Park ballpark. Moreover, Pirates Club fans gather every year on October 13th, the date of the final game in the 1960 WORLD SERIES games, near the location of the Forbes Park outfield wall to listen to a taped broadcast of the final game in commemoration of the Pirates Club's victory. On October 13, 2010, the 50th Anniversary of the winning game in the 1960 World Series, fans attended the ceremony, which also was attended by Bill Mazeroski and other former Pirates Club members. Forbes Field remains an integral part of the history and identity of Major League Baseball and the Pirates Club.

10. Opposer Dodgers owns the renowned LOS ANGELES DODGERS MAJOR LEAGUE BASEBALL club (the "LA Dodgers Club"), formerly the BROOKLYN DODGERS MAJOR LEAGUE BASEBALL club ("Brooklyn Dodgers Club"). The Brooklyn Dodgers Club played at Ebbets Field ballpark in Brooklyn, New York from 1913 to 1957, which ballpark was named after the Brooklyn Dodgers Club's owner Charles Ebbets. Ebbets Field ballpark is monumental in the history of Major League Baseball and the LA Dodgers Club, with the first African-American Major League Baseball player, Brooklyn Dodgers Club's Jackie Robinson, playing his first game on April 15, 1947 at Ebbets Field ballpark. Jackie Robinson went on to become Rookie of the Year in 1947, won the National League Most Valuable Player Award in 1949, played in six WORLD SERIES championships, including contributing to the 1955 WORLD SERIES victory for the Brooklyn Dodgers Club, and was inducted into the Hall of Fame in 1962. The popularity of the Brooklyn Dodgers Club led to negotiations for a new stadium. After no agreement was reached, the team departed for Los Angeles in 1957, and

Ebbets Field ballpark ultimately was demolished in 1960. The site now contains an apartment complex, which houses a plaque commemorating the ballpark. Still, even decades after its demolition, the allure of Ebbets Field inspired the Roger Kahn book *The Boys of Summer* and Frank Sinatra's song "There Used to Be a Ballpark." The move of the Dodgers from Brooklyn to Los Angeles was also part of the plot of the film *Field of Dreams*. Ebbets Field ballpark remains an enduring part of the history and identity of Major League Baseball and the LA Dodgers Club.

11. Opposer Mariners owns the renowned SEATTLE MARINERS MAJOR LEAGUE BASEBALL club (the "Mariners Club"). The Mariners Club played in the Kingdome ballpark in Seattle from 1977 to 1999, and being the team's first home ballpark, it was a site of many memorable moments. Though it was known to be a hitter's park, the Kingdome was the site of the Hall of Famer, legendary pitcher Randy Johnson's no-hitter game against the DETROIT TIGERS MAJOR LEAGUE BASEBALL club on June 2, 1990. This Kingdome game became the first no-hitter in Mariners Club's history. The Kingdome ballpark remains an integral part of the history of Major League Baseball and the Mariners Club. For example, the Mariners Club website features video clips from the former stadium.

12. Since prior to March 10, 2015, Applicant's earliest first constructive first use date, Opposer MLBP and the Opposer Clubs continue to use the names of the Opposer Clubs' ballparks, CANDLESTICK PARK, SEALS STADIUM, GRIFFITH STADIUM, BAKER BOWL, SHIBE PARK, COMISKEY PARK, CROSLEY FIELD, FORBES FIELD, EBBETS FIELD and KINGDOME ("Opposers' Ballpark Names and Marks") so associated with Major League Baseball's and Opposers Clubs' history and identity in connection with a wide variety of goods and services, including, but not limited to, food and beverage related services, posters,

prints, banners, jewelry, pens, cuff links, and various commemorative baseball memorabilia, such as tickets from memorable events at these historic ballparks, and have sold or distributed such goods and rendered such services in commerce.

13. Since prior to March 10, 2015, Applicant's earliest constructive first use date, <mlb.com>, the official website of Major League Baseball, contains numerous pages that recount the history of each of Opposers' Ballpark Names and Marks and their strong association with the history and identity of Major League Baseball and the Opposer Clubs.

14. On March 10, 2015 Applicant filed the SHIBE PARK Application and the CROSLEY FIELD Application, based on an intent to use, for:

- (a) Applicant's SHIBE PARK Mark; and
- (b) Applicant's CROSLEY FIELD Mark.

15. On March 11, 2015 Applicant filed the GRIFFITH STADIUM Application, the FORBES FIELD Application and the EBBETS FIELD Application based on an intent to use, for:

- (a) Applicant's GRIFFITH STADIUM Mark;
- (b) Applicant's FORBES FIELD Mark; and
- (c) Applicant's EBBETS FIELD Mark.

16. On March 12, 2015, Applicant filed the SEALS STADIUM Application for Applicant's SEALS STADIUM Mark, based on intent to use.

17. On March 13, 2015 Applicant filed the BAKER BOWL Application and the COMISKEY PARK Application based on an intent to use, for:

- (a) Applicant's BAKER BOWL Mark; and
- (b) Applicant's COMISKEY PARK Mark.

18. On March 17, 2015 Applicant filed the CANDLESTICK PARK Application and the KINGDOME Application, based on an intent to use, for:

- (a) Applicant's CANDLESTICK PARK mark; and
- (b) Applicant's KINGDOME mark.

19. Upon information and belief, Applicant did not use any of Applicant's Ballpark Marks in United States commerce for the goods covered by each of the Ballpark Applications prior to March 10, 2015, Applicant's earliest constructive first use date.

20. Applicant's Ballpark Marks all cover beer, a product which consumers are highly likely to associate with Opposers. MLB and Opposer Clubs have entered into sponsorship agreements with beer companies for many years, and MLB's and Opposer Clubs' marks have accordingly been used in connection with beer products for many years. The availability of beer at Major League Baseball stadiums, often in souvenir glasses or cups bearing marks of MLB and/or MLB Clubs, including Opposer Clubs, is well known to millions of fans who attend Major League Baseball games.

21. The goods covered by the Ballpark Applications are very closely related to the goods offered and services rendered in connection with Opposers' Ballpark Names and Marks and upon information and belief, Applicant intends for Applicant's Ballpark Marks to appeal to the same consumers of Opposers' goods and services.

22. In addition to Applicant's Ballpark Marks, Applicant has filed additional applications in Class 32 for "Beer" for other marks that incorporate the names of former or current Major League Baseball ballparks, including: (i) EBBETS DODGY IPA, Serial No. 86/433,599; (ii) LANE FIELD LAGER, Serial No. 86/485,886; (iii) POLO GROUNDS PILSNER, Serial No. 86/433,623; (iv) SHEA STADIUM HEFEWEIZEN, Serial No.

86/567,184; (v) SPORTSMANS PARK STOUT, Serial No. 86/479,809 and (vi) WRIGLEY WRED ALE, Serial No. 86/455,419, the last of which was abandoned after an extension of time to oppose was filed. Upon information and belief, the more than 15 applications filed by Applicant that incorporate former or current Major League ballpark names demonstrate that Applicant is clearly attempting to benefit from the association of these names with Opposer MLBP and the respective baseball clubs that are affiliated with each of the ballparks.

23. Moreover, Applicant's Ballpark Marks are virtually identical to Opposers' Ballpark Names and Marks with only the addition of descriptive or generic terms that relate to beer, namely, "Brown Ale," "Summer Ale," "Chilly Ale," "Strong Ale," "Gold Ale," "Crimson Ale," "Cream Ale," "Frosty Ale," "Amber Ale" and "Keg" and "Ale," all of which terms are disclaimed in the Ballpark Applications. Opposers' Ballpark Names and Marks are thus identical to the dominant portions of Applicant's Ballpark Marks.

24. Based on wide range and number of Applicant's Ballpark Marks and the identity of the dominant part of each of them with one of Opposers' Ballpark Names and Marks, consumers would likely believe that the Applicant's goods are associated with Opposer MLBP and/or the respective Opposer Clubs with which each such ballpark name is associated.

Applicant's BAKER BOWL Mark and SHIBE PARK Mark

25. Applicant's BAKER BOWL Mark so resembles the BAKER BOWL ballpark name and mark associated with and used by MLBP and Opposer Phillies as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer MLBP and/or Opposer Phillies and/or that such goods are approved, endorsed or sponsored by Opposer MLBP and/or Opposer Phillies or associated in some way with Opposer

MLBP and/or Opposer Phillies. Opposer MLBP and Opposer Phillies would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's BAKER BOWL Mark.

26. Opposer MLBP and Opposer Phillies would be further injured by the granting of a certificate of registration to Applicant because Applicant's BAKER BOWL Mark, which is a close approximation of Opposer MLBP's and Opposer Phillies' identity and which points uniquely to Opposer MLBP and Opposer Phillies, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer MLBP and Opposer Phillies.

27. Applicant's SHIBE PARK Mark so resembles the SHIBE PARK ballpark name and mark associated with and used by MLBP and Opposer Phillies as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer MLBP and/or Opposer Phillies and/or that such goods are approved, endorsed or sponsored by Opposer MLBP and/or Opposer Phillies or associated in some way with Opposer MLBP and/or Opposer Phillies. Opposer MLBP and Opposer Phillies would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's SHIBE PARK Mark.

28. Opposer MLBP and Opposer Phillies would be further injured by the granting of a certificate of registration to Applicant because Applicant's SHIBE PARK Mark, which is a close approximation of Opposer MLBP's and Opposer Phillies' identity and which points uniquely to Opposer MLBP and Opposer Phillies, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer MLBP and Opposer Phillies.

Applicant's CANDLESTICK PARK Mark and SEAL STADIUM Mark

29. Applicant's CANDLESTICK PARK Mark so resembles the CANDLESTICK PARK ballpark name and mark associated with and used by MLB and Opposer Giants as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer MLB and/or Opposer Giants and/or that such goods are approved, endorsed or sponsored by Opposer MLB and/or Opposer Giants or associated in some way with Opposer MLB and/or Opposer Giants. Opposer MLB and Opposer Giants would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's CANDLESTICK PARK Mark.

30. Opposer MLB and Opposer Giants would be further injured by the granting of a certificate of registration to Applicant because Applicant's CANDLESTICK PARK Mark, which is a close approximation of Opposer MLB's and Opposer Giants' identity and which points uniquely to Opposer MLB and Opposer Giants, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer MLB and Opposer Giants.

31. Applicant's SEALS STADIUM Mark so resembles the SEALS STADIUM ballpark name and mark associated with and used by MLB and Opposer Giants as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer MLB and/or Opposer Giants and/or that such goods are approved, endorsed or sponsored by Opposer MLB and/or Opposer Giants or associated in some way with Opposer MLB and/or Opposer Giants. Opposer MLB and Opposer Giants would thereby be injured by

the granting to Applicant of a certificate of registration for Applicant's SEALS STADIUM Mark.

32. Opposer MLB and Opposer Giants would be further injured by the granting of a certificate of registration to Applicant because Applicant's SEALS STADIUM Mark, which is a close approximation of Opposer MLB's and Opposer Giants' identity and which points uniquely to Opposer MLB and Opposer Giants, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer MLB and Opposer Giants.

Applicant's GRIFFITH STADIUM Mark

33. Applicant's GRIFFITH STADIUM Mark so resembles the GRIFFITH STADIUM ballpark name and mark associated and used by MLB and Opposer Nationals' predecessor in interest as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer MLB and/or Opposer Nationals and/or that such goods are approved, endorsed or sponsored by Opposer MLB and/or Opposer Nationals or associated in some way with Opposer MLB and/or Opposer Nationals. Opposer MLB and Opposer Nationals would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's GRIFFITH Mark.

34. Opposer MLB and Opposer Nationals would be further injured by the granting of a certificate of registration to Applicant because Applicant's GRIFFITH STADIUM Mark, which is a close approximation of Opposer MLB's and Opposer Nationals identity and which points uniquely to Opposer MLB and Opposer Nationals, when used in connection with the

applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer MLB and Opposer Nationals.

Applicant's COMISKEY PARK Mark

35. Applicant's COMISKEY PARK Mark so resembles the COMISKEY PARK ballpark name and mark associated and used by MLB and Opposer White Sox as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer MLB and/or Opposer White Sox and/or that such goods are approved, endorsed or sponsored by Opposer MLB and/or Opposer White Sox or associated in some way with Opposer MLB and/or Opposer White Sox. Opposer MLB and Opposer White Sox would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's COMISKEY PARK Mark.

36. Opposer MLB and Opposer White Sox would be further injured by the granting of a certificate of registration to Applicant because Applicant's COMISKEY PARK Mark, which is a close approximation of Opposer MLB's and Opposer White Sox's identity and which points uniquely to Opposer MLB and Opposer White Sox, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer MLB and Opposer White Sox.

Applicant's CROSLY FIELD Mark

37. Applicant's CROSLY FIELD Mark so resembles the CROSLY FIELD ballpark name and mark associated with and used by MLB and Opposer Reds as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin

with Opposer MLBP and/or Opposer Reds and/or that such goods are approved, endorsed or sponsored by Opposer MLBP and/or Opposer Reds or associated in some way with Opposer MLBP and Opposer Reds. Opposer MLBP and/or Opposer Reds would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's CROSLEY FIELD Mark.

38. Opposer MLBP and Opposer Reds would be further injured by the granting of a certificate of registration to Applicant because Applicant's CROSLEY FIELD Mark, which is a close approximation of Opposer MLBP's and Opposer Reds' identity and which points uniquely to Opposer MLBP and Opposer Reds, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer MLBP and Opposer Reds.

Applicant's FORBES FIELD Mark

39. Applicant's FORBES FIELD Mark so resembles the FORBES FIELD ballpark name and mark associated with and used by MLBP and Opposer Pirates as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer MLBP and/or Opposer Pirates and/or that such goods are approved, endorsed or sponsored by Opposer MLBP and/or Opposer Pirates or associated in some way with Opposer MLBP and/or Opposer Pirates. Opposer MLBP and Opposer Pirates would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's FORBES FIELD Mark.

40. Opposer MLBP and Opposer Pirates would be further injured by the granting of a certificate of registration to Applicant because Applicant's FORBES FIELD Mark, which is a close approximation of Opposer MLBP's and Opposer Pirates' identity and which points

uniquely to Opposer MLBP and Opposer Pirates, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer MLBP and Opposer Pirates.

Applicant's EBBETS FIELD Mark

41. Applicant's EBBETS FIELD Mark so resembles the EBBETS FIELD ballpark name and mark associated with and used by MLBP and Opposer Dodgers as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer MLBP and/or Opposer Dodgers and/or that such goods are approved, endorsed or sponsored by Opposer MLBP and/or Opposer Dodgers or associated in some way with Opposer MLBP and Opposer Dodgers. Opposer MLBP and/or Opposer Dodgers would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's EBBETS FIELD Mark.

42. Opposer MLBP and Opposer Dodgers would be further injured by the granting of a certificate of registration to Applicant because Applicant's EBBETS FIELD Mark, which is a close approximation of Opposer MLBP's and Opposer Dodgers' identity and which points uniquely to Opposer MLBP and Opposer Dodgers, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposer MLBP and Opposer Dodgers.

Applicant's KINGDOME Mark

43. Applicant's KINGDOME Mark so resembles the KINGDOME ballpark name mark used by MLBP and Opposer Mariners as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public,

who are likely to believe that Applicant's goods have their origin with Opposer MLB and Opposer Mariners and/or that such goods are approved, endorsed or sponsored by Opposer MLB and/or Opposer Mariners or associated in some way with Opposer MLB and/or Opposer Mariners. Opposer MLB and/or Opposer Mariners would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's KINGDOME Mark.

WHEREFORE, Opposers believes that they will be damaged by registration of Applicant's Marks and request that the consolidated opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposers in this proceeding Mary L. Kevlin, Richard S. Mandel and Lindsay M. Rodman (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
February 5, 2016

Respectfully submitted,

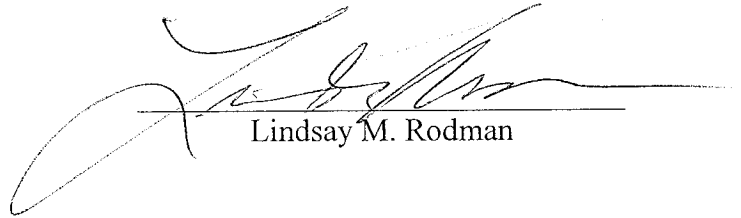
COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposers

By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 5, 2016, I caused a true and correct copy of the foregoing Consolidated Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Correspondent of Record, Kenneth Finnigan, 3643 Glen Ave., Carlsbad, California 92010-5518 with a courtesy copy to Applicant's Attorney Dave Branfman, Esq. via e-mail dbranfman@branfman.com.


Lindsay M. Rodman